

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an annual report and analysis by the Office of Court
3 Administration regarding cases involving the trial of a capital
4 offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 72.087, Government Code, is amended by
7 amending Subsection (b) and adding Subsections (d), (e), and (f) to
8 read as follows:

9 (b) The report must include:

10 (1) the charges filed against the defendant;

11 (2) the facts established in the case, including any
12 mitigating or aggravating circumstance considered;

13 (3) the race, ethnicity, and socioeconomic status of
14 each defendant and victim;

15 (4) the contents of the trial court's charge to the
16 jury;

17 (5) the offense or offenses for which the defendant
18 was convicted; ~~and~~

19 (6) ~~(2)~~ the sentence issued in each case; and

20 (7) a summary of the most recent analysis submitted
21 under Subsection (f).

22 (d) The office shall contract with a person to complete an
23 ongoing analysis of the information contained in the reports as
24 required by Subsection (b). A person with whom the office contracts

1 under this subsection must:

2 (1) have a doctoral degree and demonstrated expertise
3 in:

- 4 (A) criminology;
5 (B) criminal justice;
6 (C) law; or
7 (D) sociology; and

8 (2) be employed by a general academic teaching
9 institution as defined by Section 61.003, Education Code.

10 (e) Each analysis under Subsection (d) must indicate:

11 (1) whether any trend or correlation exists between
12 charging or sentencing decisions and the race or ethnicity of the
13 defendant or victim;

14 (2) whether racial or ethnic discrimination appears to
15 influence charging or sentencing decisions in any geographic area
16 of the state;

17 (3) whether any other factor covered by the data
18 appears to interfere with the just, fair, and accurate
19 administration of capital punishment in this state; and

20 (4) what kind of legislative action is needed to
21 alleviate any issue identified under Subdivision (1), (2), or (3).

22 (f) Not later than September 1 of each year, the office
23 shall submit the results of the analysis for the preceding 12-month
24 period to the governor, the lieutenant governor, the speaker of the
25 house of representatives, the presiding officer of each standing
26 committee of the senate and house of representatives having primary
27 jurisdiction over matters relating to criminal justice, and the

1 Court of Criminal Appeals.

2 SECTION 2. (a) The Office of Court Administration shall
3 submit the first analysis for which submission is required under
4 Section 72.087(f), Government Code, as added by this Act, not later
5 than September 1, 2010.

6 (b) The Office of Court Administration shall include in its
7 annual report required under Section 72.087(a), Government Code,
8 the information required by Subsection (b) of that section, as
9 amended by this Act, beginning with the first annual report
10 published after September 1, 2010.

11 SECTION 3. This Act takes effect September 1, 2009.